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## TAKING AIM AT RECIDIVISTS

### SAVVY THUGS FRUSTRATE CRIME-FIGHTERS

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KHALIL SLIGHT was just 12 when he logged his first criminal arrest, for an assault.

His first gun arrest came eight months later, and by his 18th birthday he'd racked up 13 arrests.

Now 23, he's in prison awaiting trial for allegedly shooting a passing bicyclist while trading gunfire with another hood on a South Philadelphia street last spring.

For an unemployed high-school dropout who was still living with his mother when he was incarcerated, Slight has made quite a name for himself in cop circles and the community as a trigger-happy street tough with a talent for beating the system. Slight has 25 arrests on his record - including three attempted-murder charges and 11 arrests involving gun crimes.

And how many convictions does Slight have?

Two.

That's all. Two.

"He has a history of possessing guns and shooting at people, but apparently you get credit for bad aim," said Philadelphia Police Detective Bob Conn, who has arrested Slight several times.

To police and prosecutors, Slight epitomizes one of the biggest frustrations associated with Philly's violent-crime wave: He seems to have found the revolving door out of the justice system.

Slight, and hundreds of alleged repeat lawbreakers like him, continue to commit gun crime after gun crime - not necessarily the big ones that make the headlines, but ones that can turn serious, and ones that terrify neighborhoods. Yet in some cases, they spend relatively little time behind bars.

Why?

Because witnesses are too scared or crooked to come forward. Because cops and prosecutors are overworked by the smaller crimes that they commit. And because bail and sentencing guidelines can be inconsistent, experts say. However, some ideas are circulating in Philly to get these repeat gun offenders off the streets.

And there's a growing belief that stopping alleged offenders such as Slight is more important than catching other thugs.

Authorities say that a small group of lawbreakers commits two-thirds of the city's crime, and police suspect that

repeat offenders are arrested only once for every 10 crimes they commit.

And slippery thugs like Slight typically commit progressively more serious crimes, experts say.

"There are a lot of Khalil Slights out there," said Detective Bill Urban, Conn's partner. "You go to any [police] district, and the same names pop up over and over again."

Conn agreed: "It's a small group of people doing a large amount of crime. If one witness would come to court and we could get the conviction, that defendant would be in jail - and off the streets. It's important we catch these crimes on a lower level so they don't escalate. Because they do escalate."

## Holes in the system

Mention Khalil Slight's name to almost any cop in South Philadelphia, and nods of recognition and frustrated frowns follow.

"He's a bad dude," Conn said.

But go to his neighborhood - stripes of narrow streets crowded with rowhouses, where Slight has lived for years - and any feeling of familiarity evaporates.

"Nope, never heard of him," said one neighbor, averting her eyes from the Stillman Street rowhouse Slight's family has owned since 1992.

Indeed, getting citizens to cooperate in cracking cases and securing convictions "is our single biggest obstacle," Conn said. "We solve 80 percent of our shootings but only make arrests in 30 percent."

"For some witnesses, there is a level of intimidation," Conn said. "But a lot of times, our victims have worse [criminal] records than our defendants, so they don't want to cooperate."

Without witnesses, many cases crumble, leaving offenders free to return to the streets and resume their wayward ways. About three-fourths of Slight's arrests were dismissed or prosecution was withdrawn for "lack of evidence," typically prosecutorial parlance for no-show witnesses.

Such reluctance to cooperate with authorities is deeply rooted in many poor inner-city neighborhoods, where distrust in police is rampant and "street cred" demands that victims seek justice personally, said Elijah Anderson, a University of Pennsylvania sociologist and author of the 1999 book "Code of the Street."

Such vigilantism is an inevitable catalyst for more gun violence, experts agree.

Hotheads who used to settle battles with their fists now brandish guns instead, veteran law-enforcement authorities say. Eighty percent of the city's recent murderers used guns to kill, police department data show.

"Seventy to 80 percent of our shootings are not drug-related; they're territorial fights or just something stupid like: 'He looked at me wrong,' " Conn said.

But the revolving door for repeat gun offenders has plenty of other reasons for spinning, according to police, prosecutors, judges and criminologists.

Cases get tossed out for faulty searches or incomplete evidence. Judges frustrated with frequent postponements

occasionally dismiss cases to alleviate backlogs. Witnesses or officers who get sick or die could halt a case. Witness-credibility problems could prompt prosecutors to drop cases.

And fierce family loyalties can thwart some cases.

When an 8-year-old boy was shot on Sigel Street in South Philadelphia in August, the victim's family originally gave authorities a false name and declined to cooperate, Conn said. The shooters were two brothers trading gunfire, and their innocent-bystander victim was their young cousin, who was playing nearby, he added.

Some observers also blame bail and sentencing issues.

A defendant sentenced to more than two years typically must serve that time in a state prison. This prompts some judges to set shorter sentences than they might otherwise, theorizing that rehabilitation is more likely if inmates remain close to their families, prosecutors and law-enforcement experts say.

In Slight's case, his sole convictions - both for drugs - resulted in probation and a three-to-12-month prison sentence, according to court records.

The changing demographic of violent offenders also affects sentencing, experts say.

City police are arresting more juveniles for gun crimes, with almost 15 percent of all firearms-violation charges through July involving teens under age 18, statistics show. That's up almost 3 percentage points from the year before, the data indicates.

Juveniles typically encounter more-lenient sentencing than adults charged with similar crimes, experts say.

## **A few ideas**

State Rep. Harold James has a plan that might have kept Khalil Slight's gun holstered.

The lawmaker introduced a bill - part of a 96-proposal gun-control package legislators debated during the past two weeks in Harrisburg - that would require a minimum bail of \$50,000 for anyone who shows or uses a gun while committing a crime.

The bill is being studied in committee, and James said he'll push for passage by the end of the year.

"We are in a state of emergency, we are in a state of war, with these gun crimes," said James, D-South Philadelphia. "Our police are arresting the same people over and over again. We need to stop these retaliation and revenge shootings."

James has experienced the epidemic of gun violence from all angles.

When he was 14, his buddy gave him a stolen gun, his ticket to acceptability with a local gang. After a week, James passed it on to another friend, but when the gun eventually was seized by police, James got probation for his role in the gun hand-down.

Years later, when James became a Philadelphia cop, he learned how it felt to be a shooting victim. Responding to a robbery in Point Breeze in 1979, James was shot in the arm by a thug with a stolen gun.

"I'm not for mandatory sentencing, because I think judges should have discretion," James said. "But we need to

raise the bail so people don't use their time before trial to terrorize more citizens. [Raising bail in gun cases] can save some lives and serious injury."

Other proposals that could have affected cases like Slight's were shot down by lawmakers last week. The proposals included limiting handgun purchases to one a month to slow the illegal gun trade, and returning more local control to municipalities to enact tighter firearms restrictions. Measures still being considered include hiring more cops, expanding funding for programs aimed at reducing juvenile recidivism rates, and toughening career-criminal laws.

One judicial leader said high bail could help but isn't a cure-all.

"Bail is supposed to be reasonable, and it is to ensure a defendant's reappearance in court," said President Judge C. Darnell Jones II of the Philadelphia Court of Common Pleas. "[Raising bail for gun offenders] is a visceral reaction that is wholly understandable and in many instances justified, but the guidelines for setting bail are dependent upon a number of factors, against the backdrop of a presumption of innocence."

Instead, Jones said, a zero-tolerance attitude must be adopted for gun offenders.

"I think the answer is incarceration, incarceration, incarceration, when it comes to gun crimes," Jones said.

Speedier trials also would give a habitual offender less time to commit more crimes between arrest and possible conviction, Jones added.

Prosecuting gun crimes on a federal level has helped the city lock up some habitual offenders, said Robert Reed, deputy chief of the U.S. attorney's office's criminal division.

Cases prime for federal prosecution include repeat offenders with a violent history and those in crime-plagued areas, in which a defendant's cooperation could lead to more arrests, Reed said.

As part of the federal Project Safe Neighborhoods program, Reed's office reviews all city gun arrests and takes over especially serious cases. He wasn't sure why his office didn't take any of Slight's cases.

Federal prosecution typically results in stiffer prison sentences. Gun offenders with three prior violent-crime or felony drug convictions face a mandatory 15-year sentence under federal law, Reed said.

Since Project Safe Neighborhoods started in 2001, Reed's office has charged 1,423 gun offenders, of whom 1,291 have been convicted and received an average sentence of 9.6 years in prison without parole, Reed said. More than 160 of those convicts were charged under the career-criminal law, he added.

Still, Conn said, lawmakers and the criminal-justice system must go even further.

"The answer is tougher laws for mere possession of a gun," Conn said. "Because the first two or three times, you'll just get probation. That's a problem, because if you have a gun and you get into a fight, you're probably going to use it."

Such a law would have given authorities 11 chances to remove Khalil Slight from the streets, records show.

Judges also should issue bench warrants for witnesses who fail to show up in court to testify against defendants, Conn said. Such warrants would have ensured prosecution in more than a dozen cases against Slight that were dropped because of no-show witnesses, records show.

Unwilling witnesses occasionally are brought in on bench warrants, most commonly in homicide cases. But Jones said some witnesses may have reasonable excuses for failing to show up in court, such as child-care needs or unforgiving employers.

And ethical issues arise as well, Jones said.

"The witness could end up in custody while the defendant gets out on bail, and that's a travesty," he said.

That has happened before. A city man who witnessed a 2003 homicide outside a North Philadelphia bar was placed in custody in November 2004 to ensure his testimony in the suspect's trial. When the murder case was dropped, witness Korvel Odd remained, forgotten, in jail for two months and was freed only after sending a written plea to a public defender. Odd is suing the district attorney's office and the prosecutor who jailed him.

Jones and Conn emphasized the community's role in halting repeat gun offenders, saying that poor parenting had created corrupt kids with no sense of ethics because their misdeeds go unpunished at home.

"I can't fathom what I would do as a parent, would my child involve himself in that [criminal] conduct *one* time, let alone a *second* time - we wouldn't even get to a second time," said Jones, who has five grown children.

The ongoing curfew crackdown in South Philadelphia - home of the largest amount of the city's juvenile-on-juvenile crime - also is crucial, Conn added. More community-based preventative programs aimed at getting potential juvenile troublemakers off streets also would help, he said.

A city-funded reward program that offers cash for information leading to the recovery of illegal guns has paid out almost \$100,000 in three years, said Officer Tasha Norman of the Gun Recovery and Reward Information Program. The program has fielded more than 850 calls since its inception, with officers recovering 252 guns, Norman said.

## **From bad to worse**

To Ruth Donnelly, the remedy to skyrocketing murder rates is simple: Get the Khalil Slight's of the world off the streets.

Ernest Odom was a repeat gun offender with Slight's talent for dodging hard jail time when he stabbed Donnelly's 19-year-old son to death in 2001. Odom had attacked Justin Donnelly on a city street because he didn't like the answer the teen and his friends gave when he asked if they'd seen his lost pit bull. Five months later, Odom fatally shot another man in a dispute over a parking space.

Odom had an extensive record before the slayings, including 12 prior arrests - mostly for assaults and gun offenses - that were dismissed primarily because witnesses failed to show for court, court documents show. He also served probation and several short jail terms in five other cases involving gun and drug crimes and probation violations.

Since his incarceration, his violent streak has continued, with arrests for stabbing fellow inmates and assaulting a prison guard, court records show.

Knowing that brutes like Odom can duck tough punishment keeps Donnelly studying passers-by with suspicion and fear, even though Odom eventually met justice. He's now serving two life sentences for killing Justin Donnelly and Khaaliq Jabbar Johnson.

"You wonder how many other people are out there with records like that who just haven't seen justice yet," said Donnelly. "There needs to be a better way to track repeat offenders. There needs to be a lot of changes."

*South Detectives' tip line is 215-685-1635. The Citizens Crime Commission tip line is 215-546-TIPS. The Gun Recovery and Reward Information Program hotline is 215-683-GUNS. Callers may remain anonymous.*

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